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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,990	03/13/2001	Jin Soo Lee	24286/81651	9375

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/803,990	Applicant(s) LEE ET AL.	
	Examiner Justin E. Shepard	Art Unit 2617	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 1/23/06 have been fully considered but they are not persuasive. The applicant argues that the "Program Category" disclosed by Seidman is not the same as a "genre." The following is disclosed in Siedman (column 7, line 46), "program category (e.g. new, drama, etc.)." The program category disclosed by Seidman is equivalent to a genre.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39, 40, 41, 42, 43, 48, 49, 50, 51, 54, 55, 56, and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Seidman.

Referring to claim 39, Seidman discloses a computer-implemented method for processing information related to multimedia consumption, the method comprising: collecting information about consumption of multimedia content (column 7, lines 41-43), the collected information identifying a first user action related to consumption of content

in a multimedia program (figure 4, part 42 "Tune Begin"); and storing a usage history including a user action list that lists user actions and includes a first user action item corresponding to the first user action (figure 7), the first user action item including a reference identifier identifying a content description that is separate from the user action list (figure 4, parts 43-45) and specifies a genre of the multimedia program (figure 4, part 45).

Claims 48 and 54 are rejected on the same grounds as claim 39.

Referring to claim 40, Seidman discloses a method of claim 39, wherein the first user action item specifies a program identifier for the multimedia program, the program identifier including the reference identifier (figure 4, parts 44 and 45).

Claims 49 and 55 are rejected on the same grounds as claim 40.

Referring to claim 41, Seidman discloses a method of claim 40, wherein the program identifier includes a title of the multimedia program (figure 4, part 44).

Referring to claim 42, Seidman discloses a method of claim 39, wherein the first user action item specifies an action time identifying a time of occurrence for the first user action (figure 4, part 42 "Tune Begin").

Claims 50 and 56 are rejected on the same grounds as claim 42.

Referring to claim 43, Seidman discloses a method wherein the tuning beginning and ending times are recorded (figure 4, part 42). Siedman would have anticipated calculating the period of usage.

Claims 51 and 57 are rejected on the same grounds as claim 43.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44, 45, 52, 53, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman in view of Drucker.

Referring to claim 44, Seidman does not disclose a method of claim 39, wherein the reference identifier defines a link to the content description.

Drucker discloses a method of claim 39, wherein the reference identifier defines a link to the content description (column 8, lines 47-50).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the description link from Drucker in the method disclosed by Seidman. The motivation would have been to modify the link disclosed by Seidman, which is used to get data on a person in the video (Seidman: column 7, lines 49-52), to give alternative information about the video.

Claims 52 and 58 are rejected on the same grounds as claim 44.

Referring to claim 45, Seidman does not disclose a method of claim 44, wherein the link includes a URL.

Drucker discloses a method of claim 44, wherein the link includes a URL (column 8, lines 47-50).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the description link from Drucker in the method disclosed by Seidman. The motivation would have been to modify the link disclosed by Seidman, which is used to get data on a person in the video (Seidman: column 7, lines 49-52), to give alternative information about the video.

Claim 53 is rejected on the same grounds as claim 45.

Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman in view of Arsenault.

Referring to claim 46, Seidman does not disclose a method of claim 39, wherein the content description specifies an actor of the multimedia program.

Arsenault discloses a method of claim 39, wherein the content description specifies an actor of the multimedia program (column 16, lines 64-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to expand the description of multimedia content as taught by Arsenault in the system disclosed by Seidman. The motivation for this would be to enable the device make a more informed choice when providing content to the subscriber (Arsenault: column 16, lines 59-61).

Referring to claim 47, Seidman does not disclose a method of claim 39, wherein the content description specifies a director of the multimedia program.

Arsenault discloses a method of claim 39, wherein the content description specifies a director of the multimedia program (column 16, lines 64-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to expand the description of multimedia content as taught by Arsenault in the system disclosed by Seidman. The motivation for this would be to enable the device make a more informed choice when providing content to the subscriber (Arsenault: column 16, lines 59-61).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



VIVEK SRIVASTAVA
PRIMARY EXAMINER